HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 14057 OF 2005

DATED: 29.12.2005

Between:

Smt. A. Rama Devi and others

… Petitioners

and

The Project Director, Women & Child

Development Office, Karimnagar and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.14057 OF 2005

ORAL ORDER:

The petitioners four in number were working on an "honorarium" of Rs.600/- per month, as Instructors in Early Childhood Education Centres (ECEs) established under the District Primary Education Project (DPEP). They were employed in various centres in Koratla Town and Mandal, Karimnagar District. The centres were managed by ECEs School Committees in furtherance of a goal of universalization of elementary education. According to the petitioners, there are 14 ECE centres in Koratla town.

Alongside the ECE centres scheme under the DPEP, is in place another scheme under the aegis of the Integrated Child Development Services (ICDS) also working for child welfare. At some stage, the State Government which is the implementation agency of this ameliorative social project decided that this diarchy between the ECE Centres and ICDS does not conduce to administrative efficiency and decided to converge the two schemes. To effectuate the administrative decision was issued in G.O.Ms.No.49 Education (SE-PROG.I) Department dated 2.5.2000, spelling out the principles for convergence and for management of the post-convergence situation. The annexure to the G.O. set out the guidelines for operationalising and effectuating the convergence dictated by G.O.Ms.No.49.

Paragraph (8) of these guidelines in Annexure I to G.O.Ms.No.49 reads as under:

> *"Wherever ECE centres of DPEP are existing and no Anganwadi centre is functioning presently and if the Women Development and Child Welfare Department wish to open a new Anganwadi centre, the existing ECE centre should be converted as AWC to provide above mentioned facilities wherever the Mothers' Committee is willing for such convergence. The instructor and helper of the ECE may be continued with the approval of the Mothers' Committee, if they otherwise satisfy the criteria for appointment and if the Mothers' Committee so desire. If the Committee is not satisfied they may replace with other local persons following the duly prescribed procedure."*

On the basis of guideline No.8 supra, the petitioners claim and contend that as instructors in the Early Childhood Education project, they ought to have been accommodated and continued as Anganwadi workers and that the action of the respondents in not so continuing them as Anganwadi workers constitutes a transgression of guideline No.8. G.O.Ms.No.49 itself is an administrative order of the State and Annexure-I thereto is an instrument for the guidance of the concerned officers or authorities who execute the various projects including the ICDS projects. These guidelines are not statutory instruments nor can their implementation be sought by a Writ of Mandamus.

If the petitioner is aggrieved that respondents have violated the guidelines issued by the State Government, the remedy for the petitioners is to prefer an appropriate complaint by way of a representation, to the State Government. The learned Government Pleader for Women and Child Welfare states that the appropriate department in the Government is the Department of Women Development and Child Welfare.

Petitioners are therefore at liberty to submit a representation to the Principal Secretary, Women Development and Child Welfare Department, within a period of two weeks from the date of receipt of a copy of this order setting out whatever grievances they have. On such a representation made and within the time aforesaid, the Principal Secretary, Women Development and Child Welfare shall consider and dispose of the same and communicate the decision to the petitioners, within a period of three weeks from the date of receipt of such representation. Any subsisting grievance of the petitioners after the disposal of such representation, by the Government could be pursued before the appropriate civil court of competent jurisdiction or any other forum appropriate, as considered by the petitioners. A writ petition under Article 226 of the Constitution does not however lie to implement administrative instructions of the State.

On the analysis above, the writ petition is disposed of. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 29.12. 2005

cvm